

Senate Bill No. 1478

CHAPTER 1036

An act to add Article 22.6 (commencing with Section 8484.7) to Chapter 2 of Part 6 of the Education Code, relating to 21st Century Community Learning Centers.

[Approved by Governor September 28, 2002. Filed
with Secretary of State September 28, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1478, McPherson. Community learning center program.

Existing law establishes the Before and After School Learning and Safe Neighborhoods Partnerships Program to create incentives to establish locally driven before and after school enrichment programs for pupils in kindergarten and grades 1 to 9, inclusive.

This bill would state the intent of the Legislature that federally-funded 21st Century Community Learning Centers complement the existing Before and After School Learning and Safe Neighborhoods Partnerships Program by utilizing the existing funding provided under that existing program, and to provide the local flexibility needed to implement the federal 21st Century Community Learning Centers program through direct grants. The bill would, in accordance with the 21st Century Community Learning Centers program contained in the federal No Child Left Behind Act of 2001, allocate funds appropriated in Item 6110-197-0890 of Section 2.00 of the Budget Act of 2002 as follows, in order of priority: (1) \$1,000,000 to the State Department of Education for purposes of providing technical assistance, evaluation, and training services related to the 21st Century Community Learning Centers program; (2) up to \$3,500,000 to programs serving middle and elementary school pupils for the purpose of providing equal access to, and participation in, community learning center programs, as specified; (3) up to \$1,000,000 for direct grants for providing family literacy services to specified schoolsites; and (4) \$2,500,000 to be allocated on a priority basis for grants to community learning center programs serving high school pupils and middle and elementary pupils. The bill would prescribe other requirements related to the allocation of funds, including that grant awards be restricted to those applicants that propose primarily to serve pupils that attend schools identified as Title I schoolwide programs under federal law. The bill would also include a statement that the provisions of the bill would only become operative to the extent that federal funds are made available for these purposes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) After school programs are a proven and cost-effective way to improve standardized test scores, prevent juvenile violence and crime, and reduce youth drug, tobacco, and alcohol use.

(b) After school programs provide constructive alternatives to risk-taking behaviors for youth on schooldays. Studies show that the after school hours between 3:00 p.m. and 6:00 p.m. are the peak hours for youths to become involved in juvenile crime, become victims of violent crime, to engage in teen sex, and to use drugs, tobacco, and alcohol.

(c) After school programs contribute to young people's successful transition to adulthood by providing challenging opportunities to build relevant life and work skills, develop relationships with caring adults and mentors, increase civic engagement, and give back to the community.

(d) The state's comprehensive after school program, the Before and After School Learning and Safe Neighborhoods Partnerships Program, does not include high school pupils.

(e) The state should increase after school programs for high school pupils, targeting those pupils most in need of resources that promote school success and the avoidance of high-risk behaviors.

(f) The state should require a rigorous evaluation to measure academic and behavioral outcomes attributable to after school programs for high school pupils.

(g) These evaluations should inform future policymakers regarding implementation of high school after school programs.

SEC 2. Article 22.6 (commencing with Section 8484.7) is added to Chapter 2 of Part 6 of the Education Code, to read:

Article 22.6. 21st Century Community Learning Centers

8484.7. It is the intent of the Legislature that the 21st Century Community Learning Centers program contained within the federal No Child Left Behind Act of 2001 (P.L. 107-110) complement the existing Before and After School Learning and Safe Neighborhoods Partnerships Program established by Article 22.5 (commencing with Section 8482), utilizing the existing per pupil rates and maximum grant amounts specified in that article, and to provide the local flexibility needed to implement federal 21st Century Community Learning Centers programs through direct grants as specified in this article.



8484.8. In accordance with Part B of Title IV of the federal No Child Left Behind Act of 2001 (P.L. 107-110), of the funds appropriated in Item 6110-197-0890 of Section 2.00 of the Budget Act of 2002, funds shall be available for expenditure as follows:

(a) The amount of one million dollars (\$1,000,000) shall be available to the State Department of Education for purposes of providing technical assistance, evaluation and training services, for carrying out programs related to 21st Century Community Learning Center programs.

(b) (1) An amount of up to three million five hundred thousand dollars (\$3,500,000) shall be available for direct grants, in an amount not to exceed twenty-five thousand dollars (\$25,000) per site, per year, for community learning center programs that serve middle and elementary school pupils for providing equitable access to, and participation in, community learning center programs, according to needs determined by the local community.

(2) The State Department of Education shall determine the requirements for eligibility for a grant under this subdivision, consistent with the following:

(A) Consistent with the local partnership approach inherent in Article 22.5 (commencing with Section 8482), grants awarded under this subdivision shall provide supplemental assistance to programs. It is not intended that a grant fund the full anticipated costs of the services provided by a community learning center program.

(B) In determining the need for a grant pursuant to this subdivision, the State Department of Education shall base its determination on a needs assessment and a determination that existing resources are not available to meet these needs, including, but not limited to, a description of how the needs, strengths, and resources of the community have been assessed, currently available resources, and the justification for additional resources for that purpose.

(C) The State Department of Education shall award grants for a specific purpose, as justified by the applicant.

(3) To be eligible to receive a grant under this subdivision, the designated public agency representative for the applicant shall be required to certify that an annual fiscal audit will be conducted and that adequate, accurate records will be kept. In addition, each applicant shall provide the State Department of Education with the assurance that funds received under this subdivision are expended only for those services and supports for which they are granted. The State Department of Education shall require grant recipients to submit annual budget reports, and the State Department of Education shall have the authority to withhold funds in subsequent years if direct grant funds are expended for purposes other than as awarded.



(c) Up to one million dollars (\$1,000,000) shall be available for direct grants of up to twenty thousand dollars (\$20,000) per site, per year, for providing family literacy services only to those schoolsites that identify such a need for families of 21st Century Community Learning Center program pupils, and that demonstrate a fiscal hardship by certifying that existing resources including, but not limited to, funding for Title III of the No Child Left Behind Act of 2001 (P.L. 107-110), Chapter 3 (commencing with Section 300) of Part 1, adult education, community college, and the federal Even Start Program are not available or are insufficient to serve these families. An assurance that the funds received under this subdivision are expended only for those services and supports for which they were granted shall be required.

(d) Of the remaining funds in Item 6110-197-0890 of Section 2.00 of the Budget Act of 2002, two million five hundred thousand dollars (\$2,500,000) shall be allocated on a priority basis for grants to community learning center programs serving high school pupils, and the remainder of this amount shall be allocated on a priority basis for programs for middle and elementary school pupils.

(e) Grant awards under this section shall be restricted to those applications that propose primarily to serve pupils that attend schoolwide programs, as described in Title I of the No Child Left Behind Act of 2001. Competitive priority shall be given to applications that propose to serve children and youth in schools designated as being in need of improvement under subsection (b) of Section 6316 of Title 20 of the United States Code, and that are jointly submitted by school districts and community-based organizations. Applications to serve pupils in programs that have received grants under Article 22.5 (commencing with Section 8482) shall be funded only when proposing to expand in additional sites or to add pupils to a currently funded site.

(f) Core funding grants for programs serving middle and elementary school pupils in before and after school programs shall conform to the per pupil rates and grant maximum amounts established in Article 22.5 (commencing with Section 8482) for similar state funded programs. Funding for each grant shall be allocated in annual increments for a period not to exceed five years. A first year grant award of core funding shall be fully allocated if a program has achieved no less than 70 percent of the proposed pupil attendance. Second year core funding shall be fully allocated if a program has achieved no less than 85 percent of the proposed pupil attendance. Subsequent year core funding shall be allocated if a program has achieved no less than 100 percent pupil attendance. Each grantee shall be required to identify the federal, state, and local programs that will be combined or coordinated with the proposed program for the most effective use of public resources, and to



describe a plan for continuing the program beyond federal grant funding. Grantees shall be required to submit annual attendance data and results to facilitate evaluation and compliance with provisions established by the State Department of Education. Programs receiving grants under this subdivision are not assured of grant renewal from future state or federal funding at the conclusion of the grant period.

(g) A total annual grant award for core funding and direct grants for a site serving elementary or middle school pupils shall be fifty thousand dollars (\$50,000) per year or more, consistent with federal requirements.

(h) Grants for programs serving high school pupils at schoolsites or sites of other organizations, as determined to be eligible by the State Department of Education and consistent with the provisions of the 21st Century Community Learning Centers program, shall be available as an annual minimum grant of fifty thousand dollars (\$50,000) per year. Grant funding above the minimum shall be determined in proportion to the average daily attendance of the high school program site or sites to be served and other factors including, but not limited to, proposed attendance and effective use of resources as determined by the State Department of Education up to two hundred and fifty thousand dollars (\$250,000) per year for five years. A grantee that establishes a high school program pursuant to this subdivision shall be subject to annual reporting and recertification as required by the State Department of Education. After the second year, the State Department of Education shall reduce funding of programs in which actual attendance is significantly below proposed attendance levels. An evaluation of the program funded pursuant to this subdivision shall be submitted no later than 180 days after the completion of the second year of the program. The State Department of Education shall provide the results of that evaluation and work with the Legislature, the Department of Finance, program providers, and other interested parties to adopt or restructure a high school after school program for California that is both programmatically and fiscally sound. Grantees shall be eligible for fourth and fifth year funding consistent with the restructured requirements. Each grantee shall be required to identify the federal, state, and local programs that will be combined or coordinated with the proposed program for the most effective use of public resources and to describe a plan for continuing the program beyond federal grant funding. Grantees shall be required to submit annual attendance data results to facilitate evaluation and compliance with provisions established by the State Department of Education. Programs receiving grants under this subdivision are not assured of grant renewal from future state or federal funding at the conclusion of the grant period.



(i) Funds received but unexpended under this article may be carried forward to subsequent years consistent with federal requirements. In year one, the full grant may be retained.

(j) The provisions of this article shall be operative only to the extent that federal funds are made available for the purposes of this article. It is the intent of the Legislature that the provisions of this article not be considered a precedent for general fund augmentation of either the state administered, federally funded program of this article, or any other state funded before or after school program.

